



Office of the Attorney General
State of Texas

July 8, 1993

DAN MORALES
ATTORNEY GENERAL

Mr. Timothy G. Green
Coats, Rose, Yale, Holm, Ryman & Lee
800 First City Tower
1001 Fannin
Houston, Texas 77002-6707

OR93-441

Dear Mr. Green:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 20224.

The Harris County Water Control and Improvement District No. 92 (the "district"), which you represent, has received a request for information relating to a now concluded criminal proceeding styled *State v. James West*, in which a member of the district's board of directors was the defendant. Specifically, the requestor seeks "all transcripts of trial and attorney bills" relating to the criminal proceeding. You advise us that you do not object to releasing the requested attorney fee bills. You claim, however, that the requested trial transcripts, representative samples of which you have submitted to us for review, implicate the proprietary interests of the court reporter and thus must be withheld from required public disclosure under section 3(a) of the Open Records Act.

You claim that section 52.047 of the Government Code vests in the court reporter the exclusive right to provide copies of trial transcripts and thus that release of the requested information is prohibited by section 3(a)(1) of the Open Records Act. Section 52.047 provides, in pertinent part:

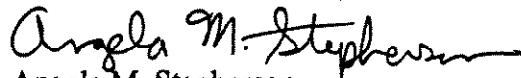
(a) A person may apply for a transcript of the evidence in a case reported by an official court reporter. The person must apply for the transcript in writing to the official court reporter, and the reporter shall furnish the transcript on payment of the transcript fee or as provided by Rule 40(a)(3) or 53(j), Texas Rules of Appellate Procedure.

This statute, however, governs only applications for transcripts submitted to court reporters; it does not govern requests for *copies* of transcripts that are held by

governmental bodies subject to the Open Records Act.¹ Accordingly, we conclude that the requested transcripts may not be withheld from required public disclosure under section 3(a)(1) of the Open Records Act and must be released in their entirety.²

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,


Angela M. Stepherson
Assistant Attorney General
Open Government Section

AMS/GCK/jmn

Ref.: ID# 20224
ID# 20241
ID# 20594
ID# 20600

cc: Ms. Cookie McKee
2611 Knollbrook Lane
Spring, Texas 77873

¹The Open Records Act applies to "[a]ll information collected, assembled, or maintained by or for governmental bodies, except in those situations where the governmental body does not have a right of access to or ownership of the information, pursuant to law or ordinance or in connection with the transaction of official business." V.T.C.S. art. 6252-17a, § 3(a). The city is clearly a governmental body subject to the Open Records Act, *see id.*, § 2(1), and the transcripts at issue here are clearly "public records."

²You also invoke section 3(a)(3) of the Open Records Act, which excepts from required public disclosure information relating to pending or reasonably anticipated litigation to which the governmental body is a party. *See generally* Open Records Decision No. 551 (1990). We note, however, that once information has been obtained by all parties to the litigation, as is the case here, no section 3(a)(3) interest exists with respect to that information. Open Records Decision Nos. 349, 320 (1982).